

06B-CC-1142

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FCC Mail Room

Before the  
Federal Communications Commission  
Washington, DC 20554

In the matter of:

Tropical Vegas TV series

Video Programming Accessibility

Petition for Exemption of Closed  
Caption Requirements

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TROPICAL VEGAS TV SERIES

PETITION FOR EXEMPTION OF CLOSED

CAPTIONING REQUIREMENTS

Tropical Vegas TV series, hereby petitions for an exemption of the closed captioning requirements of section 79.1 of the Commission's rules.

Background. Section 713 of the Communications Act of 1934, as amended ("The Act"), Video Programming Accessibility, was added to the Act by Section 305 of the Telecommunications Act of 1996.

In enacting Section 713, Congress recognized that, in certain situations, the costs of captioning might impose an "undue burden" on video programming providers of owners, and it authorized

the Commission to adopt appropriate exemptions. Congress defined "undue burden" to mean "significant difficulty or expense". In determining if the closed captioning requirements will impose

an undue burden, the statute requires the Commission to consider the following factors: 1) the nature and cost of the closed captions for the programming, 2) the impact on the operation of the provider

or owner, 3) the financial resources of the provider of program owner; and 4) the type of operations of the provider or program owner.

Section 79.1 (d) provides an exemption for locally produced and distributed non-news programming with no repeat value and local interest. Section 79.1 (d) also provides an exemption for

video programming for which the content of the soundtrack is displayed visually through text.

Tropical Vegas is a Las Vegas based company in the business of producing community based programs.

These programs air only in their local market. Tropical Vegas is currently producing

a weekly half-hour program that assists islander minorities that transplant to Nevada from Hawaii to seek a more affordable living, to help them become active participating individuals in our local community by making the necessary connections with cultural services.

Discussion. Each airing of Tropical Vegas generates typically, at most, a few hundred dollars in sponsorship which barely covers the cost of production.

If the program is forced to incur the additional expense of closed captioning, it would either reduce revenues to next-to-nothing or could, conceivably, put the program at an operating loss.

All pertinent information i.e. telephone numbers to contact featured programs and services, contact names, and dates will be covered by visual text. Furthermore, Tropical Vegas

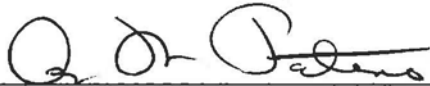
is not distributed nationwide. It is seen only in Las Vegas.

Conclusion. For the reason(s) set for herein: 1) a community service program would be denied its ability to do good works for the community, 2) all pertinent information is completely covered by visual text, and 3) it is a non-news program of only local interest, Tropical Vegas should be

granted an exemption from Section 79.1 of the Commission's rules.

Respectfully Submitted,  
Ann Marie Patinio

ADVERTISING & PRODUCTION

By  \_\_\_\_\_

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